

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, September 2, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, September 2, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Arthur Chairperson Blackwell, II
Erminia Ramirez
Jim Holley
Megan Norris
Willie Hampton **(ABS)**

Department Personnel Present

AC Walter Shoulders
Cmdr. Ralph Godbee
Cmdr. Craig Schwartz
Cmdr. Herbert Moreland
Insp. Jamie Field
Insp. Oscar Dixon
Lt. Jarvis
Lt. Suchoski
Sgt. Debbie Jackson
Sgt. Dixon
Sgt. Lee
PO Black
PO Woody

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator

OTHERS PRESENT

Ron Scott
Sandra Hines
Larry Caldwell
Sandra Peterson

RECORDERS

Jerome Adams
Kellie Williams

1. CALL TO ORDER

Vice-Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 3:15 p.m.

2. APPROVAL OF MINUTES

♦ **Thursday, August 26, 2004**

MOTION: **Comm. Holley** made the motion to approve the above Minutes.

SECOND: **Comm. Norris** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Resolution Honoring Deputy Chief James R. Barren

WHEREAS Deputy Chief James R. Barren retired from the Detroit Police Department on July 13, 2004, after thirty-one (31) years of exemplary and dedicated service to the citizens of Detroit; and

WHEREAS James R. Barren was appointed to the Detroit Police Department on March 12, 1973; and

WHEREAS Upon graduation from the Detroit Metropolitan Police Academy, Officer James Barren began his career at the Tactical Mobile Unit. As a police officer, his assignments included the First Precinct Patrol Operations Section, the Third Precinct Patrol Operations Section, Major Crimes Mobile Unit, and the Youth Crime Section (formerly Gang Squad); and

WHEREAS On June 28, 1985, Officer Barren was promoted to the rank of Sergeant. His assignments included the Fourteenth Precinct

(presently the Second Precinct), Executive Protection Unit, and the Special Response Team. As a volunteer for the Special Response Team, Sergeant Barren served as an original member and team leader for the country's first municipal "Counter Terrorist Team," where he was highly regarded for his tactical prowess.

WHEREAS On July 1, 1994, Sergeant Barren was promoted to the rank of Lieutenant and returned to the Special Response Team. In July of 1998, Lieutenant Barren became the Commanding Officer of the Special Response Team; and

WHEREAS On January 22, 1999, Lieutenant Barren was appointed to the rank of Inspector and continued his assignment as Commanding Officer of the Special Response Team; and

WHEREAS On December 20, 1999, Inspector Barren was appointed to the rank of Commander. As the Commander for the Metropolitan Division, his responsibilities included overseeing the daily operations of the Department's Mobile Strike Force and Critical Incident Response Units, which included the Special Response Team, the Tactical Services Section, the Aviation Unit, the Mobile Support Section, the Traffic Enforcement Unit, the Mounted Unit, Traffic Safety, and the Fatal Squad; and

WHEREAS On July 31, 2003, Commander Barren was appointed to the rank of Deputy Chief and assigned to the Western Operations Bureau, where he remained until his retirement; and

WHEREAS During his career, Deputy Chief Barren was the recipient of following awards: The Michigan Tactical Officers Association Award of Excellence, two (2) Medals of Valor, three (3) Department Citations and Medals, one (1) Life Saving Medal, five (5) Unit Citations, seven (7) Chief's Merit Awards, thirteen (13) Commendations, two (2) Departmental Citations, and five (5) Perfect Attendance Awards.

NOW, THEREFORE BE IT

RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department, acknowledge Deputy Chief Barren for his outstanding commitment, loyalty and service to the Detroit Police Department. Deputy Chief Barren's actions were in accordance with the highest standards and traditions of the Detroit Police Department. His courage, integrity and professionalism merit our highest regards and best wishes for continued success.

We salute and congratulate you, Deputy Chief James Barren.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

MOTION: **Comm. Norris** made the motion to adopt the Resolution.

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. SECRETARY'S REPORT – EXECUTIVE DIRECTOR GOSS

SUSPENSION

On September 2, 2004, **Sergeant Clayton Edwards**, Badge S-957, assigned to the Tactical Services Section, was suspended **without pay** by Chief Ella M. Bully-Cummings.

On March 29, 2004, the Professional Accountability Bureau, Internal Affairs Section was notified of an allegation of misconduct on the part of Sergeant Edwards. More specifically, the allegation alleged that Sergeant Edwards feloniously assaulted his tenant.

As a result, the Internal Affairs Section initiated an investigation, which revealed the following:

On March 23, 2004, a Preliminary Complaint Record was prepared by a Ninth Precinct supervisor, concerning an alleged felonious assault by Sergeant Edwards to his tenant (hereinafter complainant). According to the complainant, on March 23, 2004, at approximately 10:40 a.m., Sergeant Edwards entered his dwelling, located within the city of Detroit, with a key. Sergeant Edwards told the complainant that he had to leave, and that he did not have to evict him because no lease was ever signed. During the course of a brief verbal altercation, Sergeant Edwards pushed the complainant against

the wall, produced a black handgun, and placed the gun to the complainant's head. Sergeant Edwards stated, "Get the f_ _ k out now." Sergeant Edwards then left the location.

On that same date, at approximately 11:00 a.m., Sergeant Edwards went into the Ninth Precinct and filed a Preliminary Complaint Record, entitled "Assault and Battery Police Officer." According to the report, Sergeant Edwards alleged he went to the dwelling to advise the complainant that the gas services would be shut off. The complainant became irate and grabbed Sergeant Edwards by the coat and pushed him off the porch onto the ground.

On June 28, 2004, a felony warrant request was presented to the Wayne County Prosecutor's Office in regards to this matter. On August 31, 2004, a felony warrant was issued against Sergeant Edwards for "Felony Assault" and "Felony Firearm." Felony Assault is a felony punishable by four (4) years in prison and/or a fine of \$2,000; Felony Firearm is a felony punishable by two (2) years in prison.

On September 1, 2004, Sergeant Edwards was suspended with pay by a supervisor from the Tactical Services Section. On that same date, Sergeant Edwards appeared for arraignment before Magistrate Charles Anderson, III, of Thirty-Sixth District Court. He was released on a \$1,000 personal bond, and ordered to have no contact with the complainant. The preliminary examination is scheduled for September 13, 2004.

Based on the above circumstances, it is recommended that Sergeant Edwards be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT UNBECOMING AN OFFICER, COMMAND 3.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

RESERVED ORAL ARGUMENTS

The oral arguments reserved for September 2, 2004, in the following matters:

1. **Police Officer Maliak Jones**, Badge 3706, assigned to the Thirteenth Precinct.
2. **Police Officer Christopher Kennedy**, Badge 3666, assigned to the Sixth Precinct.
3. **Police Officer Michael Redmond**, Badge 387, assigned to the Eleventh Precinct.

have been rescheduled for September 16, 2004, at the request of DPOA Atty. John Goldpaugh with no objections from the Department representative.

OFFICE CLOSING

The Board of Police Commissioners' Office and the Office of the Chief Investigator will be closed on Monday, September 6, 2004, in observance of the Labor Day holiday. Regular office hours will resume on Tuesday, September 7, 2004.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2004 - Weekly Count of Complaints:	43	1,139
2003 - Weekly Count of Complaints:	26	895

Comm. Holley stated we have a suspension every week, which means that at least four (4) officers are getting suspended without pay each month. It just seems to me that we need to say something, or something needs to be said or can we talk to police officers or could something be said to the officers who are not suspended, so that they won't get suspended. It is very embarrassing to sit up here every week and see these foolish mistakes that are made by what is supposed to be "professional people." In other words, before I became a minister, I may have acted one way, but now that I am, I have to act another way. Couldn't we just say something, rather than just keep okaying it and not okaying. Someone from this Board should send a message, I don't know if that is a union thing or what is. Secondly, I like the idea of the guns. What I don't like is that I don't know anything about it. I guess I am asking will it be appropriate for the police department administration make a presentation before us to explain what is your plans for the month or the year. If I am a Commissioner, I ought to be in the driver's seat or at least in the car, then just watching them go by and trying to thumb a ride with me.

Comm. Norris stated I share your frustration, Rev. Holley. I got a call from a reporter on the gun issue. It is a change that I am very much in favor of. It is a policy change. It has not been enacted as a policy change yet, but there was a policy that said that they had to carry their guns, and then to tell them all of a sudden that they don't, is effectively a change. As I said, it is a great change, and I think it is a terrific change. It is a bit disturbing as a policy making board for this department, to find out about it when a report calls. I would encourage our Chair and Vice-Chair to work with the Chief's Office to see if there are ways that we can get the heads up about something that is not ready for a full blown vote or a full blown discussion, so that we are not surprised. It is not always bad news, lots of times it is good news, but it is news nonetheless and it is directly related to what we are supposed to be doing. Right now it seems to me that we aren't getting those communications.

Vice-Chairperson Ramirez stated to AC Shoulders, I think there is a priority list that certain people are called on when certain positive or negative situations occur. I believe we are not on that list. I think that Exec. Dir. Goss and Dir. Bryant-Weekes needs to be on there. From my understanding, Dir. Bryant-Weekes found out that she was omitted from the list when she wanted information regarding a shooting incident. When she asked why she was omitted from the list and there has not been a response. Exec. Dir. Goss should be on that list so that he can notify the Commissioners because we are on call for 24 hours.

Comm. Norris stated I think Ms. Hooks wants to address the first question regarding the disciplinary issues.

Atty. Hooks stated on the conduct, except for the suspension notice that is a letter. There has been no guilt or innocence at this time. They will go forth even with a criminal trial or departmental charges. It is kind of hard press to say that you want to speak out against this, isn't almost as if you are saying that this being guilty, without this person having their day in court. There are other opportunities or other avenues, in which you can address officers and let them know that you expect them to abide by the powers, need be and so forth. That could include addressing them at graduation, at the Academy and so forth. I think we have to be very careful with respect to the suspension without pay notices because they are not...they are at this point only alleged actions. With respect to the article that was in today's paper, I do believe that that has to do with the Firearms Policy that the Commissioners approved back in May. I will take another look at the policy, but I think that is what that article is about, if I am not mistaken.

Comm. Holley stated week after week we sit here and as a Commissioner, I hear the complaints that we had a year ago and the complaints we have today, approve or disapprove, bam nothing. I love and respect the police officers and

they are my brothers and sisters. Because I am a Commissioner I feel like I am one of them and piece of me is part of them. So, when they hurt, I hurt. For example, when I walk through this community and some damage has been done...like the police officer last night, I feel for that and I pay. I want to reach out to that family and those children. When AC Shoulders got an award, I wanted to party with him. But at the same time to sit here and listen to one or two alleges, as a Commissioner I feel like I need to push back, or visit precinct or hook up with the Chief and give a motivational speech. With police officers being professionals, you just can't come here every week and allege or hear these reports and not feel what is going on. It makes me wonder, who are we recruiting? What is the qualification to be recruited? Does it need to be changed?

Comm. Norris stated those are the appropriate questions. I think what Ms. Hooks is saying is that we probably should not be commenting on individual suspension issues because they are allegations. Allegations or no allegations, our officers are getting arrested in what seems like an alarming rate and we don't know how those are all playing out in court or departmentally. Maybe, that is part of the problem, is that we don't get any information to what happens to these, so we don't have a good sense of is there some endemic problem or are the prosecutors just running around all over the place. But certainly, if there are increased problems that is something that we are allowed to ask some questions.

Atty. Hooks stated I agree with that. As I indicated, there maybe some avenues that could be address. But, you are correct, I did not make that clear, that when you speak on individual officers because they are just allegations that I think we would be more than happy to explore some other or alternative ways, in which to address your concerns. They are legitimate questions.

Comm. Holley stated I was here in February, and there were two such things as we are reading today, they were different, but the same. He asked in September do I not have the right to know what happened to that officer?

Atty. Hooks stated yes you do.

Comm. Holley stated they may have been found not guilty or whatever. I want to rejoice, if they were found not guilty. If they were found guilty, I want to know how we can avoid that. I think that as a Commissioner, who looks out for the public, that I have a responsibility more than just coming here and reading those reports that you give to me. This is a no paying job and I want to make sure that I am worthy of my no hire. He asked am I making sense to you?

Atty. Hooks stated you are right.

Comm. Holley stated I think that I have a fiduciary responsibility to the community that I am representing their safety. At the same time, I want the officers to feel like I have a kinship to them as well. I think we have an excellent police department, which is getting better and better, and I believe in that. I just think that I need to have information or else I don't understand why I am here. I still wrestle with that Ms. Hooks.

Atty. Hooks stated the information is provided, but we would just have to make sure that you know that the information that is being given to you does, deal with suspension without pay when officers are restored to duty, or the results of a Chief's Hearing, or a Trial Board. We do pass that on to you, as we receive it. Sometimes, there are delays that the....

Comm. Norris stated the problem is that the dots aren't connected. Ms. Hooks is absolutely right, whenever there is a reinstatement, we get that and we do get the Disciplinary Appeal Board and the Chief's Hearing results. But, it is just a name and a result, it is not clear to us that we suspended this person on this day. It would be helpful if we could connect some of those dots.

Atty. Hooks stated I will take that up and from here on, we will be able to attach the suspension without pay with the subsequent actions.

Comm. Ramirez stated in regards to the citizen complaints, when the charges are sustained and the information is forwarded over to the Chief, we don't have the report coming back as to what is the status on those officers, whose charges were sustained. As Comm. Holley stated, we work on both sides and we have a heart for the police officers and the citizens. If it is an equipment problem that is happening, then we will be able to forward that to you and then you can see as a result if it is an equipment problem or not, and we could then say that we need more money for the equipment that the officers use. I am referring to the videotapes and to the audio, which a report will be forward to you from Comm. Holley and myself. I think we need the report back as to what is going on with the sustained charges, as far as, citizen complaints and what is going in the department.

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of August 25th–31ST, the *Narcotics Enforcement and Conspiracy Units* conducted 10 enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 9 Felony arrests
- ◆ 25 Misdemeanor arrests
- ◆ 16.3 Grams of cocaine, 1 gram of heroin, and 166 grams of marijuana - street value \$8,984.00
- ◆ \$2,951.00 U.S. currency

On August 25th – 31st, *The Gang Enforcement Section* and *The Vice Unit* conducted enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and citations:

- ◆ 21 Arrested for Disorderly Conduct-Flagging
- ◆ 1 Indecent and Obscene Conduct
- ◆ 1 Arrested for Accosting and Soliciting

THE VIOLENT CRIMES TASK FORCE

Through their continuing and relentless commitment to the citizens of Detroit, *The Violent Crimes Task Force* developed information that led to the confiscation of 566,990.5 grams of marijuana (street value of \$2,267,962). The marijuana was transported from Phoenix, Arizona, and scheduled for distribution in the Detroit area.

Crime Statistics

Citywide, based on our 6-month report to the state, the overall reduction is 6.3%, and the violent crime reduction is 10.9%.



Police/Community Intervention

TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated
Year-To-Date
2,724

SEVENTH PRECINCT

On August 25th, Officers of the 7th Precinct responded to a police run on an “Armed Robbery of a Citizen Just Happened.” Upon investigation, the officers received a description of the men who committed the crime. After a short foot chase, the officers apprehended three (3) men and confiscated a blue steel automatic handgun.

TENTH PRECINCT

On August 25th, Officers of the 10th Precinct responded to a police run in the 2000 block of Leslie on a “Breaking and Entering in Progress.” Upon arrival, the officers observed one man attempting to crawl out of the front window and a second man attempting to flee out of the back door. A third man was found hiding in the attic. All three men were arrested; they were also connected to several other armed robberies within the community. Two loaded rifles were confiscated.

ELEVENTH PRECINCT

On August 28th, Officers of the 11th Precinct responded to a “Shots Fired” run in the 13000 block of Moenart. Their investigation revealed that a man on foot fired 23 rounds from an AK-47 assault rifle at a family as they were sitting on the porch. Fortunately, no one was injured. The man was later arrested without incident, and the assault rifle was confiscated.

TWELFTH PRECINCT

On August 28th, officers of the 12th Precinct observed a vehicle, which matched the description of a vehicle used in an "Armed Robbery" in the area. [As a result of an investigation, two \(2\) men were arrested for an "Armed Robbery" committed earlier that week. Confiscated was a sawed off shotgun.](#)

THIRTEENTH PRECINCT

On August 26th, Officers of the 13th Precinct responded to a "Felonious Assault run." [Upon talking to witnesses, pertinent information regarding the description and location of the man was obtained.](#) Witnesses stated that while traveling southbound on Hamilton the man pointed a handgun at passing motorists. The officers made the location to investigate the man, he was arrested for "Carry Concealed Weapon-Person" and "Felonious Assault." [Confiscated was a handgun.](#)

POLICE COMMUNITY SERVICES

The "Back to School Rally" may have been rained out, however, the Seventh Precinct Explorer's Post 707 did not give up. On August 28th, [the officers and Post 707, re-deployed the City-Wide Explorers Program to participate in the "Mack Alive Parade and Carnival."](#) This event was hosted by the Genesis Lutheran Church, and was a huge success. Fun was definitely had by all.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – FACILITIES MANAGEMENT SECTION

AC Shoulders introduced Cmdr. Moreland, who is standing in for Brenda Goss-Andrews from the Management Services Bureau.

Cmdr. Moreland stated he is newly assigned to the Resource Division and introduced staff members.

Insp. Dixon gave the following PowerPoint presentation:

(See Attachment 1)

Questions & Answers

Comm. Norris asked is your responsibility for vendors, for invoices, and for bills just related to the facilities management issues or for everything throughout the department?

Insp. Dixon stated it is just related to Facilities Management.

(Chairperson Blackwell entered the conference room at 3:40 p.m.)

Vice-Chairperson Ramirez asked what else are they going to have inside the Emergency Service Center?

Insp. Dixon stated the Fourth Precinct, the Fire Department and Parking Enforcement.

Comm. Holley asked how many sworn and civilian personnel are in the Facilities Management Section?

Insp. Dixon stated there 37 civilians building maintenance personnel.

Comm. Holley asked what about the six skilled trades personnel?

Insp. Dixon stated they are all civilians.

Comm. Holley asked is the office clerk a police officer?

Insp. Dixon stated no, the office clerk is a civilian.

Commissioners thanked Insp. Dixon for his presentation.

7. REQUEST AUTHORITY TO ACCEPT GRANTS

1. On July, 31, 2004, the Bureau of Justice Assistance of the United States Department of Justice awarded the Detroit Police Department **\$1,631,079.00**, with a **cash match** of **\$181,231.00**.

The funds will be used to improve the effectiveness of public safety communications systems.

MOTION: Comm. Norris made the motion to approve the Grant.

SECOND: Comm. Blackwell seconded the motion.

VOTE: All in attendance voted in the affirmative.

2. The Michigan Office of Highway Safety Planning (M.O.H.S.P.) has awarded the Detroit Police Department's Eleventh Precinct an additional

\$139,997.00 in grant funds, for the “Click It or Ticket Grant.”

The “Click It or Ticket Grant” funds will be used to pay overtime salaries for officers’ enforcing the State of Michigan drinking and driving violations, within the Ninth, Eleventh, Tenth and Twelfth Precincts.

If approved, the **total amount of funding** awarded to the Department would be **\$229,744.00**. There is **no cash match** required by the City of Detroit.

MOTION: Comm. Norris made the motion to approve the Grant.

SECOND: Comm. Blackwell seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Holley asked why would that be overtime?

Comm. Norris stated apparently there is money available for that. I think that it is to put more people on the street for traffic issues.

Comm. Ramirez asked how is it determined which precinct receives the grant?

AC Shoulders stated it is based upon the precinct’s statistics.

8. DISCUSSION OF GENERAL ORDER

- **Directive 203.6: Surveillance**

Insp. Jamie Fields gave the following PowerPoint Presentation:

(See Attachment 2)

Questions & Answers

Comm. Holley stated there was a concern where at one time this year in terms of when citizens were concerned about the surveillance in terms of how long they were kept. He asked was a decision made or do we have anything in place to assure citizens that we don’t keep them?

Insp. Fields stated Cmdr. Godbee and myself meet with representatives from the ACLU and the National Lawyers Guild when they looked at the meanings and

we discussed this policy with them. That came up and we explained to them, that most tapes get erased over again for strategic purposes and we can't afford to have a library of tapes. However, I think that there should not be a lock on it because we should keep tapes that have the Red Wing parade, for example.

Comm. Holley stated when you guys left us, you were suppose to come back and tell us about you came up with that made us feel comfortable that the community feel comfortable. He asked do you remember that?

Insp. Fields stated we provided the policy to the National Lawyers Guild and the ACLU.

Comm. Holley asked have they responded yet?

Insp. Fields stated they were at the meeting and they seemed to be perfectly satisfied with what we are doing and at the very least they are satisfied with our spirit and our intent.

Comm. Holley asked did you get that in writing?

Insp. Fields stated no, but I will find out and let City Council know when we go before them.

Comm. Holley stated I always feel violated when we go before the City Council and get beat up on. So, if we are going to go back there I would like to be able to say that this issue was handled appropriately and everyone is satisfied.

Insp. Fields stated prior to any City Council meeting, we will contact them to make sure, just so we realize that we are on the same page because I think that it was a good meeting.

Comm. Norris stated I understand that this is not under the Consent Decree, but we have a two week policy for Consent Decree items. I think that it would make sense that we do the same with this policy. I am adopting that we do that and put it up for vote next week.

Insp. Fields stated we will post it on the website.

9. OTHER BUSINESS

Comm. Norris stated we received a teletype about a COMPSTAT Presentation. I was at a community meeting last night and I was asked whether members of the public are still allowed to go to certain COMPSTAT meetings.

AC Shoulders state no.

Comm. Norris stated I know at one point, we had some that were open to public.

AC Shoulders stated we did, but we expect when our commanders hold their monthly community meeting that they could hold their little COMPSTAT meeting for the precinct or section.

Comm. Norris asked so if members of a particular precinct would like to have the information, then the commander of that precinct could give them information?

AC Shoulders stated yes.

Chairperson Blackwell asked has the policy that we had discussed before about not making it mandatory for off-duty officers to carry their weapons gone forward?

AC Shoulders stated yes, it has.

Chairperson Blackwell stated an officer voiced a concern regarding, if someone decided not to carry their weapon. He asked is their responsibility different as it relates to if there is an incident? What is their responsibility without their weapon, even though they are still off-duty police officers?

Insp. Fields stated that was in the Firearms Directive. If an officer does not have their weapon, their responsibilities are basically the same as... it depends on if the incident occurs in the city or outside the city. If they have their weapon in their city, then they are a police officer. If they have their weapon outside the city, then they would have responsibilities as a regular citizen.

Comm. Norris asked what if he is in the city without his weapon?

Insp. Fields stated that is also spelled out in the consent judgment and that sort of mirrors the policy. The consent judgment, says that if an officer is off duty, regardless of whether or not the officer has his/her weapon, during an emergency or certain circumstances, he suppose to contact local on-duty police officers or local authorities from outside the city or wherever he is because they have the resources and the ability to better respond to the situation. The policy basically says that when an officer is off-duty without his weapon, his responsibility does not terminate, meaning that he does not have a responsibility to do nothing, but his responsibility becomes to call 9/11 to standby or to do whatever may be appropriate in that situation. That is stated in the policy and the consent judgment.

Chairperson Blackwell stated if we have the responsibility in our SOP to adopt that particular procedure as it relates to.... In other words, it is not clear. Prior, to this new policy taken affect, the standard was that an off duty-officer was required to carry a weapon and an off- duty officer with a weapon in tow, obviously had the ability to respond to certain emergency situations. Now, the issue is, is that it is volunteer whether or not that you decide to carry your weapon. So the issue is, what is your disclosure requirements if you are in a position when you are off-duty and you may have your weapon, but you see a particular incident go down or you chose not to get involved, even though you are in a position to handle it. I know you guys are doing training on this, but for these questions to come, I was wondering if the information is being disseminated in a very clear and concise manner.

Insp. Fields stated you are correct that is a training issue. It has always been a manner of discretion because there are certain situations when you are off-duty and by yourself and have a weapon or not, it might not be appropriate to disclose that you have your weapon. It depends on such a situation based on individual situations, which is a blend of things. It is really depending on a lot of training.

Comm. Norris stated in other words, when everybody had their weapon and had to have their weapon they still weren't required to inject themselves into situations when they were off duty, but they may have chosen to in certain situations. And certain situations, under our policy, were allowed to even though they had a weapon.

Insp. Fields stated correct.

Comm. Norris stated I think that it is just being very clear about it.

Chairperson Blackwell stated I think that it would be incumbent upon Cmdr. Godbee and whoever specifically. We have talked about some of the risk management issues and some of the reasons why, maybe not having a weapon on duty. Since it is not a clear policy because it is voluntary whether you decide to do it or not. I guess hearing Chief, that here before if you did have it, you still were required to be engaged. He asked why would somebody mandate you having it in the first place?

Insp. Fields stated I was not around when the policy first came in.

Chairperson Blackwell stated generally when you change something, you should kind of understand why they made it that way in the first place. I didn't know that you had the option to decide whether or not you engage.

Cmdr. Godbee stated Commissioners as you are well aware, we talked about this issue a lot as a residency requirement. On thing that is kind of

factored into this decision among the consent decree, is that we have about 30% to 40% of our members, who no longer live in our city. I think that the genesis and among other things was requiring to carry weapons. You have 4,000 to 5,000 members in the Department, where the requirement was to live in the City. The benefit that they are trying to provide the city for an off-duty officer is the fact that you have 4,000 to 5,000 on and off duty people in the City that have law enforcement ability. Without the residency requirement and people living outside the City, we have lost a great deal of their compliment of both. From a risk issue, and the fact that we have said to officers that they cannot take any action outside as a normal citizen, that has a great deal to do with the risk litigation, as far as, the option to carry a weapon. Another circumstance under the law as far as being intoxicated or fit for duty, even though it is optional in policy, if you are not fit for duty, the law makes it mandatory that you can't carry it anyway. This elevates the problem we had, there was a contradiction where we were telling people that they had to carry their weapon all of the time, yet they may not be fit for duty and then we would have a catch 22.

Chairperson Blackwell so in other words that they were prohibited from indulging in alcohol?

Cmdr. Godbee stated yes.

Vice-Chairperson Ramirez stated right.

Chairperson Blackwell asked your saying, when an off-duty officer that is voluntary allowed to carry their own weapon, is also voluntary allowed to carry a non-police issued weapon?

Cmdr. Godbee stated no. The department policy requires that if you are carrying a weapon that it has to be a department approved weapon.

Chairperson Blackwell asked off-duty?

Cmdr. Godbee stated on and off duty.

Chairperson Blackwell asked if you choose not to carry a gun, which now is an option under this particular policy, then if you decide to carry one, it must be police issued?

AC Shoulders stated police approved.

Chairperson Blackwell asked when you say police approved, you mean from the City?

Cmdr. Godbee stated for instance, if you bought a small issued glock, you may personally own it, but you have to qualify it and it would have to be approved by Firearms.

Chairperson Blackwell asked so there could be two different guns that people carry?

Cmdr. Godbee stated that is correct.

Chairperson Blackwell stated you could have a gun that you carry when you are on duty, that is a police issue, but the gun that you carry off-duty could be a police issue or gun approved by the Department.

Cmdr. Godbee stated yes.

Chairperson Blackwell stated the issue of whether someone engages or not, clearly now, even for those officers, who are inside the City, there is lessto engage?

Cmdr. Godbee stated that is correct.

Chairperson Blackwell stated I guess I raised this issue because this officer is a very diligent guy and when we were talking about the directive, there was some confusion because he asked me do they expect us to be engaged when we don't have our weapon or if we have our weapon and there is no requirement to have it do we have to say that we did have and we didn't want to engage or get involved. The reason why I am asking is because there seems to be an issue of not wanting to get involved. A friend of mine and I were talking about when you drive by a corner and you see two teenagers fighting and your tendency is you want to stop. For us, it is a little more dangerous today, then what it was 10 to 15 years ago before police officers...even off duty with the training the resources..., but now there is something that says that you don't have to.

Cmdr. Godbee stated that is correct. The rules of engagement are somewhat dictated by the consent decree also. As Insp. Fields indicated before, a lot of us as we were asserting ourselves from an off-duty standpoint and it may or may not be deemed appropriate. To that extinct, the consent decree contemplates a new policy in affect that makes it safer for citizens and officers to monitor the situation and make the appropriate calls. So, yes it does causes us to step back, but proper training it is not for us to disengage in the community, but it is for us to take a more measured approach to how we assert and how we call for the appropriate personnel, once we assert ourselves in a situation.

Chairperson Blackwell stated there seems to be more disengagement from a citizen complaint standpoint. There was a real clear knowledge of when police officers lived in certain neighborhoods and police officers didn't know neighborhoods, that police officer may have made the choice not to engage in any particular enforcement. Getting back to the issue, of an individual who is an off-duty police officer, sworn police officer, inside the City is a police issue or has it been at a police issue of an approved weapon, but yet they are reducing appointed or off-duty to the same authority as a citizen.

Cmdr. Godbee stated outside of the city of Detroit.

Chairperson Blackwell stated I am talking about inside the city of Detroit.

Cmdr. Godbee stated inside the city of Detroit, they enjoy the same level of responsibility. From a policy standpoint, there are certain policy restrictions in place that were a result of the consent decree.

Chairperson Blackwell asked are you saying that they have the same police power, but not the same obligations?

Cmdr. Godbee stated yes.

Comm. Norris stated in the city when they are off-duty, they have the authority to act like police officers.

Cmdr. Godbee stated you are absolutely correct.

Chairperson Blackwell stated the point is that they are really not the same as a citizen because they could see a crime and arrest someone, where the average citizen can't.

Cmdr. Godbee stated correct.

Chairperson Blackwell stated I know that the consent decree dealt with a lot of issues on police behavior and risk management....

Comm. Norris stated ...that is the thing, even when everybody had to have their gun, well certainly the idea is as Cmdr. Godbee said is that you would have all of these off-duty people, who theoretically can step in and do whatever he's doing. They weren't required to do that then and the problem we had is that we had many many situations where someone is in a bar or some place else and they are not fit to use the weapon, but they have the weapon.

Chairperson Blackwell stated I agree with all of that. But notwithstanding that, not being fit for duty is still a police officer with full police power within

the city of Detroit, whether they have a weapon or not or whether they have been drinking or not.

Cmdr. Godbee stated without the proper training, it could have a general affect. It is incumbent upon us as leaders of the department to let officers know that we still have a responsibility inside the city to take the appropriate action and training is most appropriate.

Comm. Holley asked do we have any data regarding lawsuits as a result of a police officer.

Cmdr. Godbee stated we have a quarterly risk management meeting with the Law Department, which is required by the consent decree. In most off-duty instances, the city loses.

Chairperson Blackwell asked what extinct is the dialogue damage versus uniform and non-uniform?

Cmdr. Godbee stated we could find that out.

Chairperson Blackwell stated we talk about officers working or having the ability to work and these officers that have an ability to work are now in security or other....

Cmdr. Godbee stated within the city, if it is a business or entity that is regulated by the department, we do not allow the officer to work in a security position. However, if they go outside the city, we do not have the authority to deny that outside employment without cause.

Chairperson Blackwell asked was that part of the arbitration?

Cmdr. Godbee stated that is correct, that is contractual.

Chairperson Blackwell asked what do you mean when you don't regulate?

Cmdr. Godbee stated bars, liquor establishments and things of that nature, where there is some kind of regulatory issue, where the department issues licenses. In those instances, we do not allow outside employment.

Chairperson Blackwell asked would they be able to work at a grocery store?

Cmdr. Godbee stated yes.

Chairperson Blackwell asked would that officer have full police powers?

Cmdr. Godbee stated that is correct. However, under that scenario, they are not allowed to use department equipment to provide security.

Chairperson Blackwell asked are they allowed a weapon that the department approved?

Cmdr. Godbee stated they cannot use a department weapon.

AC Shoulders stated when they cannot be in possession DPD Id card, DPD badge, which means that they cannot be in possession of the DPD issued gun or the DPD approved gun, unless they have a separate CCW permit from the County because for an active officer, it is the ID card and the badge that authorizes us to carry the gun.

Chairperson Blackwell asked so then they lose everything that is department issued, except the part that they are sworn police officers?

AC Shoulders stated they can't act as police officers when they are working outside the City.

Chairperson Blackwell stated I am talking about inside the City. For example, if I am working inside the City at a grocery store and what you are telling me that I could have a separate CCW and carry a third weapon that is neither a department issued or an approved by the department?

Cmdr. Godbee stated theoretically yes, but it would be in contrast to our policy because you can't carry any weapons that are not approved by the department or department issued.

Chairperson Blackwell asked not even the weapon that is approved?

Cmdr. Godbee stated correct.

AC Shoulders stated most of the grocery stores in the City sell beer and wine, which means that the officer will still not be able to work security because we still regulate beer and wine.

Chairperson Blackwell stated I think that the Department should provide or require training and classes on the issues that were discussed today and issues that are affected by the consent decree and etc. I still would like to know the impact that non-residency is having on off-duty and on-duty policing.

Comm. Holley stated I would like to know what the status is on some concerns and recommendations that I forwarded to the Chief regarding the police department.

Dir. Bryant-Weekes stated I want to ensure Comm. Holley that we are working on his proposals. With the pastor's pick proposal that you had sent forth, there were some things that we had to change. One of the things that came up in the meeting was in order to take the state exam, you can only apply online and you have to do so with a credit card. Some of our people have cash, but no credit card. We are trying to see if we could incorporate it into the already existing Recruiting Ambassador Program, so that there weren't a lot of programs. I have sent a request to the Chief, to see if Recruiting can accept the cash from the applicant and have a department credit card with a low limit and use that so that they can take the test. I have assigned someone to put together a proposal to present to City Council and the Mayor with respect to the issue regarding tax exemption for police officers that live in the City.

Vice-Chairperson Ramirez asked how is training being done in regards to the policy that Chairperson Blackwell has been referring to?

Cmdr. Godbee stated we provide the training during roll call.

Vice-Chairperson Ramirez asked how long is roll call?

Cmdr. Godbee stated 15 minutes prior to the start of the shift and each month each precinct has a training day.

AC Shoulders stated they don't go one time, they go over these things a lot.

Comm. Holley asked has the department considered given all officers a prep radio, so that officers can keep in contact with one another?

AC Shoulders stated we have enough radios to give to each officer and we have thought about that, but you have to consider the fact, that some would be at 30 to 40 miles out of range.

10. ANNOUNCEMENT OF NEXT MEETING

Thursday, September 9, 2004 @ 6:30 p.m.
MotorCity Blight Busters Center
17405 Lahser
Detroit, MI 48219

11. ORAL COMMUNICATION FROM THE AUDIENCE

Larry Caldwell voiced concerns about a case regarding the murder of Darryl Caldwell.

Vice-Chairperson Ramirez asked which precinct did the incident occur?

Mr. Caldwell stated the Ninth Precinct.

Comm. Norris asked is this a family member of yours?

Mr. Caldwell stated yes, he is my brother.

AC Shoulders asked is this a homicide case?

Mr. Caldwell stated yes.

AC Shoulders stated it would not be handled by the Ninth Precinct, it would be handled by Squad 3 of the Homicide Section.

Mr. Caldwell stated I am looking for someone to find the file because they have not been able to find it for two years.

AC Shoulders asked Cmdr. Craig Schwartz to speak Mr. Caldwell after the meeting.

Comm. Norris stated to Mr. Caldwell if you don't get the information you need, then come back.

Chairperson Blackwell asked once a file is lost, is that the end of the information?

AC Shoulders stated that is correct.

Chairperson Blackwell state that does not make sense. He asked can't the file be scanned?

Comm. Norris stated at this time I would not open any kind of formal complaint or anything because I think the goal is to solve the problem. She asked I.C.I to have an investigator help him to make sure that is happening and then if it is not, we may go to a complaint stage, but I don't think that is what he is here to do.

Mr. Caldwell stated I am here to recommend some kind of policy. As far as, Squad 3 (Kenneth Garner and Roy McCaster) is concerned, it is done, its over with and don't even worry about that any more, that is the feeling that I get from Squad 3.

Comm. Norris stated you might end up with a complaint, based on what you are saying.

Mr. Caldwell stated I am ready to make one.

Comm. Norris stated you can do that, but let's try to help you and get your case addressed. You can make a complaint and you gave the right to make a complaint. She asked I.C.I. Sheard to take Mr. Caldwell's information.

Chairperson Blackwell asked what is the normal procedure when a file is lost?

AC Shoulders stated if a file is lost, obviously there is more than one report that is made when we send people out there to re-interview the investigation. I understand his pain. But, this is a homicide investigation that is still open and we do not close open homicide investigations. It was two years ago, which is not that long ago. I would have to find out exactly from them, the circumstances of the homicide investigation, who was involved in it, what and why and then maybe able provide an answer with that. I don't know and I can't sit up here and say anything because I don't know what happened, but I can found out whether a file exists or not. If it does not exist, then we can figure out what to do with it from that point forward.

Sandra Peterson stated I am the mother of Darryl Caldwell. I would like to make a correction; he was murdered on February 11, 1997. So, the case is actually almost eight (8) years old. Everybody that was involved in it, was brought down, questioned and released. They even had eyewitnesses that came forth and gave the name of the person, who murdered my son. To our knowledge, that person has never been arrested, put in jail or charged with this murder.

Vice-Chairperson Ramirez asked I.C.I. Sheard to take Mr. Caldwell's information?

Comm. Norris stated we need to find out what exists or what doesn't exists, and AC Shoulders is going to make sure that happens. We need to also make sure that your case is getting addressed. If you haven't received appropriate service, then we need to address that to.

Comm. Holley asked I.C.I. Sheard to contact Cmdr. Craig Schwartz because of his involvement with the case, so that you two could work together and get the information to the family.

Ron Scott stated he voiced concerns regarding policies in terms of weapons and surveillance. He also stated he did some research and it was interesting to see how different police departments based their policies and training for

de-escalation on cultural changes. He also addressed an incident at a club regarding a female officer, who was attacked by a male officer that had a weapon, and if they both drew their guns then we would have had to officers dead.

Mrs. Peterson stated I am the aunt of Daron Caldwell, who is the alleged Hart Plaza shooter. In my son's case, how is it that there were eyewitnesses, who identified the person that shot my son and that person was let go and everybody that was involved in that case were let go. How is it that all the victims in my nephews case, have said this is not the shooter, but yet he is still being held. I cannot understand. It is a real emotional thing for me to deal with my son's case being unsolved for so long and how swiftly this was handled and how he has been tried and convicted.

Chairperson Blackwell stated I don't know if we can give you an answer because it is an active case. Even though there has been arraignment, the issue is that you are innocent until proven guilty. The Board of Police Commissioners feel that it is unacceptable that there has not been any finality on the case regarding the death of your son.

12. ADJOURNMENT

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw